

Remarks

Applicants have amended claims 31 and 36-37 to recite “human monocyte chemotactic protein-4” and to recite that said human monocyte chemotactic protein-4 is purified from a cell culture, as suggested by the Examiner. No new matter has been added.

Claims 31 to 37 are pending.

I. Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 31-37 as allegedly vague and indefinite for reciting the acronym “MCP-4,” and because it is allegedly unclear whether the antibody or MCP-4 protein is purified from a cell culture. Applicants note that although the Examiner has listed claim 37 in the instant rejections, it appears that the Examiner intended to refer to claim 31.

In response, while Applicants maintain that the previously pending claims were definite and not vague, claim 31 has been amended to recite “human monocyte chemotactic protein-4” and to recite that said human monocyte chemotactic protein-4 is purified from a cell culture, as suggested by the Examiner. Claims 36-37 have been amended with corresponding language. Accordingly, the rejection has been obviated and should be reconsidered and withdrawn.

II. Alleged Non-Statutory Double Patenting

The Examiner has rejected claims 31-37 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-19 and 28-54 of U.S. Patent No. 6,673,344.

Although Applicants do not acquiesce with the instant rejection, in the interest of facilitating prosecution, Applicants have submitted herewith a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c), thereby obviating the instant rejection. Accordingly, Applicants respectfully request that the obviousness-type double patenting rejection of claims 31-37 be reconsidered and withdrawn.

Conclusion

Entry of the above amendment is respectfully solicited. In view of the foregoing remarks, Applicants believe that this application is now in condition for allowance, and an early notice to that effect is urged. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicants would expedite the allowance of this application.

Finally, if there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an additional extension of time under 37 C.F.R. § 1.136, such an extension is requested and the appropriate fee should also be charged to our Deposit Account.

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Respectfully submitted,

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